



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).

Application Number	10/725,299
Filing Date	December 1, 2003
First Named Inventor	Werner BECK et al.
Group Art Unit	2629
Examiner Name	Jeffrey J. Piziali
Attorney Docket Number	P02,0628-02

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of Action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE under 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 501519.
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of _____ enclosed
- c. ☒ Payment by credit card electronically filed in the amount of \$810.00

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	STEVEN H. NOLL	Registration No. Attorney/Agent)	29982
Signature		Date	July 14, 2008

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner For Patents, MAIL STOP RCE, P.O. BOX 1450 Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT "B" ACCOMPANYING FILING OF RCE

APPLICANTS: Beck et al. GROUP ART UNIT: 2629
SERIAL NO.: 10/725,299 EXAMINER: Jeffrey J. Piziali
FILED: December 1, 2003 CONFIRMATION NO.: 2868
TITLE: OPERATING DEVICE FOR A DIAGNOSTIC IMAGING UNIT

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

S I R:

In response to the Office Action dated April 14, 2008 Applicants herewith amend the application as follows.

IN THE CLAIMS

Claim 1 has been cancelled.

1. (Cancelled).

Claim 2 has been amended as follows:

2. (Currently amended) The operating device as claimed in claim [[1]] 10, wherein the operating device is designed as a touch-sensitive display screen.

Claims 3-9 have been cancelled.

3. - 9. (Cancelled).

Add the following new claims:

10. (New) An operating device for a medical diagnostic imaging unit, said operating device comprising:

a display screen;

a control unit configured to operate said display screen to enter at least one examination value for implementing an examination by said medical diagnostic imaging unit;

said control unit being configured to operate said display screen in a programmed mode in which, in an operating area of the display screen, only a selection key field is displayed, that is activatable to preset at least one preset value selected from the group consisting of preset operating values of said medical diagnostic imaging unit and preset parameter values of said medical diagnostic imaging unit;

said control unit being configured to operate said display screen in a manual mode in which, in said operating area of said display screen, only a setting key field is displayed, that is activatable to selectively set at least one settable value selected from the group consisting of settable operating values of said medical diagnostic imaging unit and settable parameters of said medical diagnostic imaging unit;

said control unit being configured to display, in a display area of said display screen that does not overlap said operating area, different display elements respectively representing said at least one preset value and said at least one settable value;

said control unit being configured to display, at said display screen, a mode selection field that is activatable to select, only one at a time, said manual mode or said programmed mode;

said control unit being configured to initially maintain all of said display area unchanged, when switching between said manual mode and said programmed mode by activation of said mode selection field, until said selection key field or said setting key field in the selected mode is activated after said switching; and

said control unit being configured to display, at said display screen, a trigger key that, when activated, emits a current content of said display area, as said at least one examination value, as an output available to said medical diagnostic imaging unit.

11. (New) An operating device as claimed in claim 10 wherein said control unit is configured to display said display elements as text elements.

12. (New) An operating device as claimed in claim 10 wherein said control unit is configured to display said display elements as graphics elements.

13. (New) An operating device as claimed in claim 10 wherein said control unit is configured to display said trigger key at said display screen in each of said manual mode and said programmed mode.

14. (New) An operating device as claimed in claim 10 wherein said medical diagnostic imaging unit is an x-ray examination unit, and wherein said control unit is configured to display, in said selection key field, a plurality of different selection keys that respectively allow a user to select said at least one preset value for different anatomical categories of x-ray examinations, and to display, in said selection key field, a plurality of different setting keys that respectively allow manual setting of said at least one settable value for a component of said x-ray examination unit.

REMARKS

In the Office Action dated April 18, 2008, all of the previous claims were rejected, for various reasons, under 35 U.S.C. §112, second paragraph either for indefinitely or for omitting essential steps or components.

Additionally, claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Nokita.

Applicants note with appreciation the telephone interview courteously afforded the undersigned representative of the Applicants on June 25, 2008, wherein the undersigned representative of the Applicants acknowledged that revisions in the claim language were necessary in order to respond to the rejections under §112, second paragraph, but no specific changes in the claim language were discussed in the interview with regard to actual changes in the claim language for responding to the rejections under §112.

The prior art rejection based on the Nokita reference also was discussed in the telephone interview.

As discussed in the telephone interview, the operating device disclosed and claimed in the present application allows a user to switch back and forth between a programmed mode, in which only preset values of a medical diagnostic device can be entered, and a manual mode, in which an operator is free to personally select individual operating values for one or more components of the medical diagnostic imaging unit. When switching back and forth between these different modes, however, the display area of the display screen, at which the actual values and parameters are displayed, does not initially change, until a further change is made by activating either the selection keys or the setting keys. This allows a user to see the

values that have been entered in one of the modes when a switch is made to the other of the modes, so that the user can use those values that are displayed unchanged, as a starting point for making changes in the currently-selected mode. For example, if a user starts in the programmed mode, and makes certain entries by activating certain selection keys, and then switches to the manual mode, the values that were entered and displayed in the programmed mode will not be changed in the display area of the display screen when the switch is made to the manual mode. In each of the modes, however, only the key field that is suitable for the currently-selected mode is displayed. Thus, in the programmed mode, only the setting key field is displayed in the operating area of the display screen, and in the manual mode only the setting key field is displayed in that operating area. The user is therefore not confused by having both key fields displayed simultaneously, but the user is "reminded" of the already-entered values by virtue of the display area of the display screen initially remaining unchanged when a switch between modes is made.

It was agreed in the telephone interview that the Nokita reference does not teach maintaining the entirety of the area that the Examiner contends corresponds to the claimed "display area" as being unchanged when switching between different modes. At least some values in that display area in Nokita do, in fact, change when switching between modes. This would defeat the intended purpose of the present invention, which is to remind a user of all of the values that have been entered in a previous mode, when a switch is made to a currently-selected mode.

It was therefore agreed at the interview that, in addition to making changes necessary to respond to the rejection under §112, making clear in the independent claim of the present application that all of the display area remains unchanged when switching between modes would preclude continued reliance on the Nokita reference as an anticipating reference. The Examiner stated further consideration would be needed to determine whether the Nokita reference could still be relied upon as a basis for an obviousness rejection under 35 U.S.C. §103(a), and/or whether further references would be cited.

In view of this need for further consideration, the Examiner stated in the telephone interview that making such an amendment in the claims would raise a new issue, and therefore such an amendment could not be entered after the Final Rejection, and could only be entered by filing an RCE.

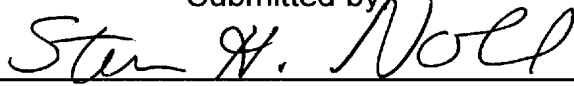
The present response is being filed simultaneously with an RCE, in order to permit entry and consideration of this Amendment.

Rather than attempting to amend the previous claims in order to respond to the rejections under §112, second paragraph, a new set of claims is presented herein, which are consistent with the discussion in the telephone interview concerning the Nokita reference, and which have been revised to respond to the rejections under §112, second paragraph that were made with regard to original claims 1-9.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by



(Reg. 28,982)

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